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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

LORI BRYANT, an individual,

Plaintiff,

vs.

DEVRY UNIVERSITY INCORPORATED, a  
Foreign Corporation; DOES I through X, inclusive;  
ROE CORPORATIONS I through X, inclusive,

Defendants.

CASE NO:

**COMPLAINT FOR DISCRIMINATION  
UNDER TITLE I AND V OR THE  
AMERICANS WITH DISABILITIES  
ACT FOR WRONGFUL  
TERMINATION AND HARASSMENT  
DUE TO HOSTILE WORK  
ENVIRONMENT; AND  
RETALIATION.**

COMES NOW, Plaintiff LORI BRYANT (hereinafter, "Plaintiff"), by and through her counsel, the law firm of Hatfield & Associates, Ltd., and alleges upon information and belief against the above-captioned Defendants as follows:

**PARTIES**

1. At all times relevant hereto, Plaintiff, residing in Clark County, Nevada, suffered and suffers from a bona fide disability of a confidential and private nature that caused her to suffer stress, anxiety and emotional distress, that required her to take leave of absence from her employment. She requested administrative leave from her employer, and her disability issues was known to her employer, Defendant.

2. Plaintiff was an employee of Defendant within the meaning of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Sections 2000e, et seq., and applicable case law.

1           3.       Upon information and belief, at all times relevant hereto, Defendants are or were  
2 domestic or foreign corporations or similar business entities organized and existing under the laws of  
3 the State of Nevada or which regularly conducted business in Nevada or were foreign corporations  
4 which regularly conducted business in Nevada.

5           4.       Defendants regularly employ fifteen or more persons.

6           5.       The true names or capacities, whether individual, corporate, association or otherwise,  
7 of Defendants DOES I through X, and ROE CORPORATIONS I through X, are unknown to  
8 Plaintiff, who therefore sues said Defendants by such fictitious names. Plaintiff is informed and  
9 believes and therefore alleges that each of the Defendants designated herein as a DOE and a ROE  
10 CORPORATION are responsible in some manner for the events and happenings referred to and  
11 caused damages proximately to the Plaintiff as herein alleged. Plaintiff will ask leave of this Court to  
12 amend its Complaint to insert the true names and capacities of DOES I through X, and ROE  
13 CORPORATIONS I through X, when the same have been ascertained and to join such Defendants  
14 in this action.

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17                               **JURISDICTION AND VENUE**

18           6.       The Defendants are now and was at all times mentioned herein an “employer” of the  
19 Plaintiff within the definition of Title I and V or the American’s with Disabilities Act of 1990, and  
20 amendments thereto, and 42 U.S.C. Section(s) 1201 et seq.; and laws of the State of Nevada.

21           7.       The jurisdiction of this Court is predicated upon 28 U.S.C. Section 1331 and 1343, to  
22 redress the unlawful deprivation of Plaintiff’s rights secured, guaranteed and protected by federal  
23 law. The Court also has jurisdiction pursuant to 28 U.S.C. Sections 2201 and 2202 relating to  
24 declaratory judgments. This Court may also exercise pendant jurisdiction over Plaintiff’s state law  
25 claims arising under the common law and statutes of the State of Nevada, and which arise from a  
26 common nucleus of operative fact pursuant to 28 U.S.C. Section 1367.  
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1           8.     Venue is proper in the United States District Court for the District of Nevada  
2 pursuant to 28 U.S.C. Section 1391(b), wherein Plaintiff resides, or resided, and Defendants reside  
3 or resided, and/or regularly conducts business and where all the wrongful conduct occurred.

4                                   **ADMINISTRATIVE PREREQUISITES**

5           9.     Plaintiff has complied with all the administrative prerequisites to action under Section  
6 706 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Sections 2000e-5 as  
7 follows:  
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9           10.    Plaintiff was terminated from her employment on or about October 8, 2014, and  
10 Plaintiff thereafter timely filed a formal charge of discrimination with the Equal Employment  
11 Opportunity Commission [hereinafter "EEOC"].

12           11.    Plaintiff promptly and diligently accommodated all EEOC requests for information  
13 and fully cooperated in the agency's investigation of this matter;  
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15           12.    Plaintiff has exhausted all available administrative remedies in accord with the  
16 aforementioned statutes prior to instituting this civil action, and Plaintiff has timely filed this action.

17           13.    Plaintiff demands a jury trial of this case pursuant to Local Rule 38-1 and 28 U.S.C.  
18 Section 1411.

19                                   **FACTUAL ALLEGATIONS**

20           14.    Plaintiff is a qualified individual with a disability within the meaning of the  
21 American's with Disabilities Act of 1990, and amendments thereto, and 42 U.S.C. Section 1201 et  
22 seq., and 26 U.S.C. Section 701 et seq., and 29 U.S.C. Section 2601 et seq.  
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24           15.    Plaintiff was hired by Defendant as a Program Director on or about October 2, 2006,  
25 and her last job title was Campus Director.

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1           16. Defendant is in the business of for-profit education. Upon information and belief and  
2 at all relevant times, Defendant employed in excess of fifteen (15) employees for at least twenty (20)  
3 calendar weeks from 2006 to the present time, and was further engaged in an industry directly  
4 affecting interstate commerce.

5           17. At all relevant times, all matters regarding compensation, terms, conditions, rights  
6 and privileges of Plaintiff's employment were governed and controlled by Defendants equally.

7           18. Upon information and belief and at all relevant times, certain individuals were acting  
8 as supervisors, agents, servants and/or employees of Defendants. Defendants are therefore liable for  
9 the acts and omissions of these individuals pursuant to the principals of ratification, respondeat  
10 superior and actual and/or implied agency.

11           19. At all relevant times, Plaintiff fully, adequately and completely performed all of the  
12 functions, duties and responsibilities of his employment with Plaintiff until she became ill while on  
13 the job due to emotional stress. Plaintiff sent an email to her colleagues on or about October 2,  
14 2014, that expressed her issues with Defendants' organization and its failures to address Plaintiff's  
15 requests to relocate to assuage her stress and anxieties.

16           20. In response to the email, Plaintiff was informed by Defendants' supervisory  
17 employee(s) James Bartholomew on or about October 3, 2014, that she was placed on administrative  
18 leave temporarily and was told that she could not work due to her temporary impairment. Plaintiff  
19 sought medical and psychological assistance and therapy and requested short term disability and  
20 temporary leave through Defendants' short term disability insurer and manager. She was told that  
21 her employer was informed of her need for temporary leave and accommodation on or about  
22 October 6, 2014.

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1           21. On or about October 13, 2014, Plaintiff received written notification from  
2 Defendants' supervisory employee(s) James Washington that she was terminated as of October 9,  
3 2014. Plaintiff contacted Defendants' employee(s) Alana Hurt at that contemporary time to  
4 understand why she was being terminated, Hurt told Plaintiff that she had resigned her position.  
5 Plaintiff, in fact, did not resign her position.  
6

7           22. Plaintiff attempted to correct Defendants and engage in an interactive process  
8 whereby she could become accommodated for her issues, and emailed Defendants' supervisory  
9 employee(s) Lori Davis on or about October 17, 2014 that she did not intend to resign but to relocate  
10 to another campus location of Defendants. Davis told Plaintiff that she was being terminated or was  
11 terminated for misconduct and she was being involuntarily terminated from her position with  
12 Defendants. Plaintiff, in fact, did not engage in any misconduct while employed with Defendants.  
13

14           23. Although her disability was known to her employer, she was terminated despite  
15 Defendant requesting accommodation and providing evidence that Plaintiff, in fact, suffered from a  
16 bona fide disability and did not resign. Defendant, despite knowledge of her disability and  
17 knowledge that Plaintiff did not intend to resign but in fact was recommended to take temporary  
18 leave as an accommodation, provided accommodation initially only to have that accommodation  
19 rescinded by Defendant without notice or opportunity for engagement in an interactive process for  
20 accommodation for her disability.  
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22           24. Plaintiff was disingenuously accused of misconduct when Defendants knew full well  
23 that Plaintiff did nothing whatsoever in the nature of misconduct and Plaintiff was discharged by her  
24 employer on or about October 8, 2014.

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**CAUSES OF ACTION**

**FIRST CAUSE OF ACTION**

**Wrongful Termination Under the ADA**

25. Plaintiff incorporates by reference the allegations set forth in the preceding paragraphs of the Complaint as though set forth at length herein.

26. Defendants initially provided accommodation to Plaintiff, then revoked accommodation and thereafter refused to provide Plaintiff with reasonable accommodation for her disability, although Plaintiff was capable of performing her duties.

27. Defendants continually, intentionally, and in a discriminatory manner refused to accommodate Plaintiff in her position because of her disability.

28. Defendants' termination of Plaintiff was not based upon any medical justification or other reasonable reason and was discriminatory as to Plaintiff. Defendants terminated Plaintiff without just cause and because of her disability.

29. Such adverse employment actions by Defendants were in violation of the ADA.

30. Following Defendants' termination of Plaintiff, based upon information and belief, Plaintiff was replaced by a non-disabled individual.

31. As a result of Defendant's above-stated actions, Plaintiff has suffered irreparable injuries and deprivation of income in the form of wages and prospective benefits, promotion opportunities and job assignments due to her as an employee, and emotional pain and suffering, mental anguish, humiliation, embarrassment, indignity, and other intangible injuries in an amount to be proven at trial.

32. Plaintiff should be awarded punitive damages as well because of Defendants' extreme and outrageous conduct.

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- 1       6.     An award to Plaintiff of interest on any awards at the highest rate allowed by law; and
- 2       7.     Such other and further relief as this Court deems just and appropriate.

3             Dated this 6<sup>th</sup> day of July, 2016.

**HATFIELD & ASSOCIATES, LTD.**

4                             By: */s/ Trevor J. Hatfield*

5                             Trevor J. Hatfield, Esq. (SBN 7373)

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